

REMARKS

Reconsideration of this application is respectfully requested.

Claims 3, 5-28, 31-32 and 33-36 were rejected under 35 USC §103(a) based on U.S. patent 5,902,984 to Planke combined with U.S. patent application publication 2001/0033752 to Cook et al.

The examiner, in the detailed action at page 2, paragraph 4 lists the characteristics of the Planke system and then states at paragraph 5 that,

“Planke did not explicitly describe a method/system in which the initial non-validated card/token/ticket is dispensed by a mechanism such as a dispensing unit. However, Cook et al describes an invention in which a self service terminal can print a receipt that represents a product, which gets validated or paid for at the cashier. The cashier in turn gives the customer with a receipt having a printed bar code that can be read by the reader at the same self service terminal (par. 28).”

The examiner then concludes at page 4, paragraph 6 of the detailed action that

“Therefore, it would have been obvious...to modify Planke's invention of a merchandise dispenser that validates/reads validation card/token/ticket with Cook et als' invention in which a self service terminal can print a receipt that represents a product, which gets validated or paid for at the cashier.”

Applicant would like to point out that each and every claim in this application requires

“...an article token selection panel device
activatable by a customer...displaying
different articles of merchandise or
representations thereof selectable by a
customer upon activation of the device...”

Applicant submits that neither Planke and Cook et al whether considered individually or in combination show or suggest the above requirement.

Applicant's system provides an easily accessible selection panel displaying a plurality of different articles and is activatable by a customer to obtain a non-validated token that corresponds to a selected article.

Nothing in the prior art thus cited by the examiner responds to the above quoted requirement.

Cook et al is for a system for self service film processing. The examiner refers to paragraph [0028] of Cook et al which describes a payment system 112. Payment can be made by a credit card using a card reader 112a, or by cash in a currency receptacle 112b, or directly to a cashier.

The payment system can also include a receipt printer 112d which prints a receipt for services provided. The customer brings the receipt to a cashier and pays the cashier. The service receipt can have a bar code that is read by a scanner at the cashier to determine the payment required by the customer for services and products provided by the self-service Film Processing System.

In another embodiment of Cook et al when payment is made by credit card, cash or directly through the cashier, a receipt is provided that enables the customer to obtain prints that correspond to the self service efforts made by the customer in the system 100.

Cook et al does not show or suggest an article token selection panel displaying different articles of merchandise, the selection panel being activatable by a customer to obtain a non-validated token that is representative of the selected article of merchandise.

Under the Cook et al system a customer must decide how many prints they want and then prepay for these. The receipt printer then provides the customer with a receipt for the specified amount of prints.

The combination of Cook et al with Planke also does not show or suggest an article token selection panel device displaying different articles and a printer to print a non-validated token that is representative of a selected article from the selection panel. It is thus submitted that claim 33 is patentably distinguishable over Planke and Cook et al and any of the other references of record. Allowance of claim 33 is thus respectfully requested.

The claims dependent on claim 33, namely claims 5-14 are likewise submitted as allowable for the reasons supporting allowance of claim 33 as well as the distinctions defined therein. Allowance of claims 5-14 is thus respectfully requested.

Independent claim 34 has the same patentable distinctions over Planke and Cook et al as previously discussed for claim 33. Claim 34 also has further patentable distinctions, namely the requirement of a substitute token or a token that supplements the non-validated token at the checkout unit. The advantage of the substitute token is that it could replace a non-validated token that is printed on heat sensitive thin paper. The substitute token would be a token that is better configured for use with the article dispenser, such as an RF, an IC chip or a magnetic stripe card.

In view of these distinctions it is submitted that claim 34 is allowable over Planke and Cook et al and any of the other references of record. Allowance of claim 34 is thus respectfully requested.

The claims dependent on claim 34, namely claims 3, 15 and 17-28 are likewise submitted as allowable for the reasons supporting allowance of claim 34 as well as the distinctions defined therein. Allowance of claims 3, 15 and 17-28 is thus respectfully requested.

Independent claim 35 has the same patentable distinctions over *Planke* and *Cook et al* as previously discussed with respect to claim 33. Claim 35 also has further patentable distinctions, namely the requirement of identifying information that includes part of the packaging of the article to be dispensed as set forth at subparagraph e (iv) of claim 35.

An advantage of using the packaging as the token carrier is that it enables use of the packaging in a flat pack at the selection panel. It can be appreciated that a fully packaged article takes up a great deal of space in an article dispenser. In some instances an article that is dispensed by an article dispenser may cause some blemishing on the packaging. By providing for the packaging to be obtained in the selection panel the customer is assured of obtaining unblemished packaging, especially appreciated if the article to be used as a gift. None of the cited art of record shows or suggests the use of packaging for an article as a token carrier.

It is thus submitted that claim 35 is patentably distinguishable over *Planke* and *Cook et al* and any of the other references of record. Allowance of claim 35 is thus respectfully requested.

The claim dependent on claim 35, namely claim 31 is likewise submitted as allowable for the reasons supporting allowance of claim 35 as well as the distinctions defined therein. Allowance of claim 31 is thus respectfully requested.

Independent claim 36 is submitted to be patentably distinguishable over *Planke* and *Cook et al* for the reasons previously discussed in connection with claim 33, and claim 35 as well as the requirements that the second transaction code (unique token number) is already on the packaging when the token (packaging) is still non-validated. Claim 36 further requires that the unique token number/second transaction code be provided on the packaging. Thus once an article has been paid for, the unique token number becomes the second

transaction code. Claim 36 further requires at sub-paragraph d) (iv) three ways in which the second transaction code can be applied to the packaging. It is submitted that none of these requirements are shown or suggested by Planke and Cook et al and any of the other references of record. Allowance of claim 36 is thus respectfully requested.

The claim dependent on claim 36, namely claim 32 is likewise submitted as allowable for the reasons supporting allowance of claim 36 as well as the distinctions defined therein. Allowance of claim 32 is thus respectfully requested.

In view of the foregoing remarks and amendments it is submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

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